

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Robert Lonnell Smith, Jr.,

Case No. 2:23-cv-01183-CDS-DJA

Plaintiff

v.

Order Adopting Magistrate Judge's Report
and Recommendation, Granting Plaintiff's
Motion to Amend, and Denying as Moot
Defendants' Motion to Dismiss

Washoe County, et al.,

Defendants

[ECF Nos. 24, 35, 39]

10 Plaintiff Robert Lonnell Smith, Jr. sues multiple defendants for events that took place

11 while he was a pretrial detainee at the Washoe County Detention Facility. Compl., ECF No. 1-2.

12 In screening Smith's complaint, the court allowed his Fourteenth Amendment conditions-of-

13 confinement and equal protection violations claims to proceed and dismissed his claims for

14 negligence and intentional infliction of emotional distress. Screening order, ECF No. 6 at 10.

15 Smith now moves for leave to amend his complaint to include four new defendants: Sgt. Jenkins,

16 Andrew Barrett-Venn, Darrin Rice, and Devonte German. Mot. to Amend, ECF No. 35. United

17 States Magistrate Judge Daniel J. Albregts reviewed Smith's motion to amend and recommends

18 that I grant it. R&R, ECF No. 39. For that reason, he also recommends that the pending motion

19 to dismiss targeting the original complaint be denied as moot. *Id.* at 5. The parties had until

20 December 25, 2024,¹ to file any objections to the R&R. *Id.* at 5-6 (citing LR IB 3-2(a) (stating

21 that parties wishing to object to an R&R must file objections within fourteen)); *see also* 28

22 U.S.C. § 636(b)(1)(C) (same). As of the date of this order, there are no objections nor has any

23 party requested more time to file an objection. “[N]o review is required of a magistrate judge's

24 report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,

25
26 ¹Because December 25, 2024, is a holiday, the deadline to object is continued to the next day. Fed. R. Civ. P. 6(a)(1)(C) (when deadline falls on a Saturday, Sunday, or legal holiday, it is continued to the next day that is not a Saturday, Sunday, or legal holiday).

¹ 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Because no party objects to Judge Albregts's findings and recommendations, the R&R is accepted and adopted in its entirety.

Conclusion

IT IS HEREBY ORDERED that the magistrate judge's report and recommendation [ECF No. 39] is accepted and adopted in its entirety; therefore, Smith's motion for leave to amend [ECF No. 35] is granted. The Clerk of Court is instructed to detach and separately file the first amended complaint (ECF No. 35-1).

9 IT IS FURTHER ORDERED that defendants' motion to dismiss [ECF No. 24] is denied
10 as moot.

Dated: January 16, 2025

Cristina D. Silva
United States District Judge